



House of Representatives

General Assembly

File No. 93

January Session, 2011

House Bill No. 6278

House of Representatives, March 21, 2011

The Committee on Public Health reported through REP. RITTER, E. of the 38th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES DIVISION OF AUTISM SPECTRUM DISORDER SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-215 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Department of Developmental Services shall serve as the lead
4 agency to coordinate, where possible, the functions of the several state
5 agencies which have responsibility for providing services to [autistic]
6 persons diagnosed with autism spectrum disorder.

7 Sec. 2. Section 17a-215c of the general statutes is repealed and the
8 following is substituted in lieu thereof (*Effective from passage*):

9 (a) There is established a Division of Autism Spectrum Disorder
10 Services within the Department of Developmental Services.

11 (b) The Department of Developmental Services shall adopt
12 regulations, in accordance with chapter 54, to define the term

13 ["autism"] "autism spectrum disorder", establish eligibility standards
14 and criteria for the receipt of services by any resident of the state
15 diagnosed with [an] autism spectrum disorder, regardless of age, and
16 data collection, maintenance and reporting processes. The
17 commissioner may implement policies and procedures necessary to
18 administer the provisions of this section prior to adoption of such
19 regulations, provided the commissioner shall publish notice of intent
20 to adopt such regulations not later than twenty days after
21 implementation of such policies and procedures. Any such policies
22 and procedures shall be valid until such regulations are adopted.

23 (c) The Division of Autism Spectrum Disorder Services may, within
24 available appropriations, research, design and implement the delivery
25 of appropriate and necessary services and programs for all residents of
26 the state with autism spectrum [disorders] disorder. Such services and
27 programs may include the creation of: (1) [The Autism-Specific Early
28 Intervention Program, (AEI), designed to deliver services to] Autism-
29 specific early intervention services for any child [who becomes at risk
30 or is] under the age of three diagnosed with [an] autism spectrum
31 disorder; [and who was previously placed in the "birth-to-three"
32 program administered by the Department of Developmental Services;
33 (2) age three to twenty-one, inclusive, support services including
34 educational, recreation, life and skill coaching, and vocational and
35 transition services; and (3) over age twenty-one adult services,
36 including those services as defined by the pilot autism spectrum
37 disorder program established pursuant to section 17a-215b, as well as
38 related] (2) education, recreation, habilitation, vocational and
39 transition services for individuals age three to twenty-one, inclusive,
40 diagnosed with autism spectrum disorder; (3) services for adults over
41 the age of twenty-one diagnosed with autism spectrum disorder; and
42 (4) related autism spectrum disorder services deemed necessary by the
43 Commissioner of Developmental Services.

44 (d) The Department of Developmental Services shall serve as the
45 lead state agency for the purpose of the federal Combating Autism
46 Act, P.L. 109-416 and for applying for and receiving funds and

47 performing any related responsibilities concerning autism spectrum
48 [disorders] disorder which are authorized pursuant to any state or
49 federal law.

50 (e) On or before February 1, 2009, and annually thereafter, the
51 Department of Developmental Services [shall] may make
52 recommendations to the Governor and the joint standing committee of
53 the General Assembly having cognizance of matters relating to public
54 health concerning legislation and funding required to provide
55 necessary services to persons diagnosed with autism spectrum
56 [disorders] disorder.

57 (f) The Division of Autism Spectrum Disorder Services shall
58 research and locate possible funding streams for the continued
59 development and implementation of services for persons [with autism
60 spectrum disorders without mental retardation] diagnosed with
61 autism spectrum disorder but not with intellectual disability. The
62 division shall take all necessary action, in coordination with the
63 Department of Social Services, to secure Medicaid reimbursement for
64 home and community-based individualized support services for adults
65 diagnosed with autism spectrum [disorders, but who are not mentally
66 retarded] disorder but not with intellectual disability. Such action may
67 include applying for a Medicaid waiver pursuant to Section 1915(c) of
68 the Social Security Act, in order to secure the funding for such services.

69 (g) The Division of Autism Spectrum Disorder Services shall, within
70 available appropriations: [, shall:] (1) Design and implement a training
71 initiative that shall include training to develop a workforce; and (2)
72 develop [an autism-specific] a curriculum specific to autism spectrum
73 disorder in coordination with the Department of Higher Education. [,
74 and (3) to the extent federal reimbursement permits, develop an
75 education and training initiative eligible for the receipt of funding
76 pursuant to the federal Combating Autism Act, P.L. 109-416.]

77 (h) The case records of the Division of Autism Spectrum Disorder
78 Services maintained by the division for any purpose authorized
79 pursuant to subsections (b) to (g), inclusive, of this section shall be

80 subject to the same confidentiality requirements, under state and
81 federal law, that govern all client records maintained by the
82 Department of Developmental Services.

83 (i) The Commissioner of Social Services, in consultation with the
84 Commissioner of Developmental Services, may seek approval of an
85 amendment to the state Medicaid plan or a waiver from federal law,
86 whichever is sufficient and most expeditious, to establish and
87 implement a Medicaid-financed home and community-based program
88 to provide community-based services and, if necessary, housing
89 assistance, to adults [with autism spectrum disorders who are not
90 mentally retarded] diagnosed with autism spectrum disorder but not
91 with intellectual disability.

92 (j) On or before January 1, 2008, and annually thereafter, the
93 Commissioner of Social Services, in consultation with the
94 Commissioner of Developmental Services, and in accordance with the
95 provisions of section 11-4a, shall submit a report to the joint standing
96 committee of the General Assembly having cognizance of matters
97 relating to public health, on the status of any amendment to the state
98 Medicaid plan or waiver from federal law as described in subsection (i)
99 of this section and on the establishment and implementation of the
100 program authorized pursuant to subsection (i) of this section.

101 (k) The independent council established [pursuant to section 17a-
102 215b] in connection with the autism spectrum disorder pilot program
103 previously operated by the Department of Developmental Services
104 shall continue to advise the Commissioner of Developmental Services
105 on all matters relating to autism.

106 Sec. 3. Subdivision (5) of section 17a-220 of the general statutes is
107 repealed and the following is substituted in lieu thereof (*Effective from*
108 *passage*):

109 (5) "Community residential facility" means a community-based
110 residential facility which houses up to six persons with [mental
111 retardation or autism] intellectual disability or autism spectrum

112 disorder and which provides food, shelter, personal guidance and, to
113 the extent necessary, continuing health-related services and care for
114 persons requiring assistance to live in the community, provided any
115 such facilities in operation on July 1, 1985, which house more than six
116 persons with [mental retardation or autism] intellectual disability or
117 autism spectrum disorder shall be eligible for loans for rehabilitation
118 under this section and sections 17a-221 to 17a-225, inclusive. Such
119 facility shall be licensed and may be certified;

120 Sec. 4. Subsections (a) and (b) of section 17a-210c of the general
121 statutes are repealed and the following is substituted in lieu thereof
122 (*Effective from passage*):

123 (a) Whenever the term "Department of Mental Retardation" is used
124 or referred to in the following sections of the general statutes, the term
125 "Department of Developmental Services" shall be substituted in lieu
126 thereof: 1-101aa, 4-38c, 4-61aa, 4a-12, 4a-16, 4a-82, 5-259, 8-206d, 10-
127 15d, 10-76d, 10-145d, 17a-33, 17a-114, 17a-145, 17a-210, 17a-210a, 17a-
128 210b, 17a-211, 17a-211a, 17a-211b, 17a-212a, 17a-214, 17a-215, 17a-215a,
129 [17a-215b,] 17a-216, 17a-217, 17a-218, 17a-219b, 17a-219c, 17a-220, 17a-
130 226, 17a-227, 17a-227a, 17a-228, 17a-236, 17a-238, 17a-240, 17a-246, 17a-
131 247, 17a-247a, 17a-247b, 17a-247e, 17a-248, 17a-248g, 17a-270, 17a-273,
132 17a-274, 17a-276, 17a-277, 17a-281, 17a-475a, 17b-337, 17b-352, 17b-360,
133 17b-492b, 19-570, 19a-509d, 19a-576, 38a-488a, 38a-514, 45a-654, 45a-
134 656, 45a-674, 45a-676, 45a-677, 45a-681, 46a-11, 46a-11a, 46a-11c, 46a-
135 11d and 46a-11f.

136 (b) Whenever the term "Commissioner of Mental Retardation" is
137 used or referred to in the following sections of the general statutes, the
138 term "Commissioner of Developmental Services" shall be substituted
139 in lieu thereof: 4-5, 4b-3, 4b-23, 8-3e, 10-76i, 17a-4a, 17a-22a, 17a-210,
140 17a-212, 17a-212a, 17a-214, 17a-215a, [17a-215b,] 17a-217a, 17a-218, 17a-
141 218a, 17a-225, 17a-226, 17a-227a, 17a-228, 17a-229, 17a-230, 17a-232,
142 17a-238, 17a-240, 17a-241, 17a-242, 17a-244, 17a-246, 17a-247a, 17a-248,
143 17a-270, 17a-272, 17a-273, 17a-274, 17a-276, 17a-277, 17a-281, 17a-282,
144 17a-582, 17a-584, 17a-586, 17a-587, 17a-588, 17a-592, 17a-593, 17a-594,

145 17a-596, 17a-599, 17b-28a, 17b-244, 17b-244a, 17b-337, 17b-340, 17b-
146 492b, 19a-24, 19a-411, 19a-580d, 20-14j, 20-571, 45a-670, 45a-674, 45a-
147 676, 45a-677, 45a-681, 45a-682, 45a-692, 46a-11a, 46a-11c, 46a-11f, 54-
148 56d, 54-102g and 54-102h.

149 Sec. 5. Subsection (h) of section 26-30 of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective from*
151 *passage*):

152 (h) The Commissioner of Environmental Protection may issue a
153 group fishing license to any tax-exempt organization qualified under
154 Section 501(c)(3) of the Internal Revenue Code of 1986, or any
155 subsequent corresponding internal revenue code of the United States,
156 as amended from time to time, for the purpose of conducting a group
157 fishing event or events for persons: (1) With a service-related or other
158 disability who receive services at a facility of the United States
159 Department of Veterans Affairs Connecticut Healthcare System, (2)
160 who receive mental health or addiction services from: (A) The
161 Department of Mental Health and Addiction Services, (B) state-
162 operated facilities, as defined in section 17a-458, or (C) programs or
163 facilities funded by the Department of Mental Health and Addiction
164 Services, as provided for in sections 17a-468b, 17a-469, 17a-673 and
165 17a-676, (3) with [mental retardation] intellectual disability or
166 diagnosed with autism spectrum disorder who receive services from
167 the Department of Developmental Services, as provided for in section
168 17a-217, or from facilities licensed by the Department of
169 Developmental Services, as provided for in section 17a-227, or (4)
170 receiving care from the Department of Children and Families, as
171 provided for in section 17a-94, or from programs or child-care facilities
172 licensed pursuant to section 17a-145, 17a-147 or 17a-154. Any such
173 organization shall conduct not more than fifty such events, including
174 marine and inland water events, in any calendar year and each such
175 event shall be limited to not more than fifty persons. Application for
176 such a group fishing license shall be submitted once per calendar year
177 on a form prescribed by the commissioner and with the necessary fee
178 and shall provide such information as required by the commissioner.

179 All fishing activities conducted pursuant to such group license shall be
180 supervised by staff or volunteers of the organization conducting the
181 event or events. Such staff or volunteers shall possess such group
182 fishing license at the site of any such event or events. Each such staff
183 member or volunteer shall have a license to fish. Such organization
184 shall, not later than ten days after such group fishing event, report to
185 the commissioner, on forms provided by the commissioner,
186 information on the results of such event. Such information shall
187 include, but not be limited to, the total: (i) Number of participants, (ii)
188 hours fished, (iii) number of each species caught, and (iv) number of
189 each species not released. Such organization shall not charge a fee to
190 any person that participates in any such group fishing event conducted
191 pursuant to such group fishing license and any such group fishing
192 event shall not be used by such organization as a fund raising event.

193 Sec. 6. Section 38a-488b of the general statutes is repealed and the
194 following is substituted in lieu thereof (*Effective from passage*):

195 Each individual health insurance policy providing coverage of the
196 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
197 469 that is delivered, issued for delivery, renewed, amended or
198 continued in this state on or after January 1, 2009, shall provide
199 coverage for physical therapy, speech therapy and occupational
200 therapy services for the treatment of autism spectrum [disorders]
201 disorder, as set forth in the most recent edition of the American
202 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
203 Disorders", to the extent such services are a covered benefit for other
204 diseases and conditions under such policy.

205 Sec. 7. Subsections (a) to (c), inclusive, of section 38a-514b of the
206 general statutes are repealed and the following is substituted in lieu
207 thereof (*Effective from passage*):

208 (a) As used in this section:

209 (1) "Applied behavior analysis" means the design, implementation
210 and evaluation of environmental modifications, using behavioral

211 stimuli and consequences, including the use of direct observation,
212 measurement and functional analysis of the relationship between
213 environment and behavior, to produce socially significant
214 improvement in human behavior.

215 (2) "Autism services provider" means any person, entity or group
216 that provides treatment for autism spectrum [disorders] disorder
217 pursuant to this section.

218 (3) "Autism spectrum [disorders]" disorder" means [the] a pervasive
219 developmental [disorders] disorder set forth in the most recent edition
220 of the American Psychiatric Association's "Diagnostic and Statistical
221 Manual of Mental Disorders", including, but not limited to, Autistic
222 Disorder, Rett's Disorder, Childhood Disintegrative Disorder,
223 Asperger's Disorder and Pervasive Developmental Disorder Not
224 Otherwise Specified.

225 (4) "Behavioral therapy" means any interactive behavioral therapies
226 derived from evidence-based research, including, but not limited to,
227 applied behavior analysis, cognitive behavioral therapy, or other
228 therapies supported by empirical evidence of the effective treatment of
229 individuals diagnosed with an autism spectrum disorder, that are: (A)
230 Provided to children less than fifteen years of age, and (B) provided or
231 supervised by (i) a behavior analyst who is certified by the Behavior
232 Analyst Certification Board, (ii) a licensed physician, or (iii) a licensed
233 psychologist. For the purposes of this subdivision, behavioral therapy
234 is "supervised by" such behavior analyst, licensed physician or licensed
235 psychologist when such supervision entails at least one hour of face-to-
236 face supervision of the autism services provider by such behavior
237 analyst, licensed physician or licensed psychologist for each ten hours
238 of behavioral therapy provided by the supervised provider.

239 (5) "Diagnosis" means the medically necessary assessment,
240 evaluation or testing performed by a licensed physician, licensed
241 psychologist or licensed clinical social worker to determine if an
242 individual has an autism spectrum disorder.

243 (b) Each group health insurance policy providing coverage of the
244 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
245 469 that is delivered, issued for delivery, renewed, amended or
246 continued in this state shall provide coverage for the diagnosis and
247 treatment of autism spectrum [disorders] disorder. For the purposes of
248 this section and section 38a-513c, an autism spectrum disorder shall be
249 considered an illness.

250 (c) Such policy shall provide coverage for the following treatments,
251 provided such treatments are (1) medically necessary, and (2)
252 identified and ordered by a licensed physician, licensed psychologist
253 or licensed clinical social worker for an insured who is diagnosed with
254 an autism spectrum disorder, in accordance with a treatment plan
255 developed by a licensed physician, licensed psychologist or licensed
256 clinical social worker pursuant to a comprehensive evaluation or
257 reevaluation of the insured:

258 (A) Behavioral therapy;

259 (B) Prescription drugs, to the extent prescription drugs are a
260 covered benefit for other diseases and conditions under such policy,
261 prescribed by a licensed physician, licensed physician assistant or
262 advanced practice registered nurse for the treatment of symptoms and
263 comorbidities of autism spectrum [disorders] disorder;

264 (C) Direct psychiatric or consultative services provided by a
265 licensed psychiatrist;

266 (D) Direct psychological or consultative services provided by a
267 licensed psychologist;

268 (E) Physical therapy provided by a licensed physical therapist;

269 (F) Speech and language pathology services provided by a licensed
270 speech and language pathologist; and

271 (G) Occupational therapy provided by a licensed occupational
272 therapist.

273 Sec. 8. Section 17a-215b of the general statutes is repealed. (*Effective*
274 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17a-215
Sec. 2	<i>from passage</i>	17a-215c
Sec. 3	<i>from passage</i>	17a-220(5)
Sec. 4	<i>from passage</i>	17a-210c(a) and (b)
Sec. 5	<i>from passage</i>	26-30(h)
Sec. 6	<i>from passage</i>	38a-488b
Sec. 7	<i>from passage</i>	38a-514b(a) to (c)
Sec. 8	<i>from passage</i>	Repealer section

PH Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various technical changes, including updating terminology to mirror recent changes in federal law, that have no fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

Sources: Special Olympics: www.specialolympics.org/rosas-law.aspx

OLR Bill Analysis**HB 6278*****AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES DIVISION OF AUTISM SPECTRUM DISORDER SERVICES.*****SUMMARY:**

This bill makes technical changes updating terminology used by the Department of Developmental Disabilities (DDS) in its provision of autism services. It uses the term “autism spectrum disorder” instead of just “autism” to encompass all autism diagnoses on the autism spectrum. It also substitutes the term “intellectual disability” for “mental retardation” to reflect changes in federal law and within the developmental disabilities community.

The bill allows, rather than requires, DDS annually to make recommendations to the governor and Public Health Committee about legislation and funding needed to provide necessary services to persons diagnosed with autism spectrum disorder.

The bill also repeals a statute concerning an autism pilot program that ended in 2009.

EFFECTIVE DATE: Upon passage

BACKGROUND***Updated Terminology***

A recently enacted federal law, known as “Rosa’s Law” (P.L. 111-256), changes references in federal law from “mental retardation” to “intellectual disability” and from a “mentally retarded individual” to an “individual with an intellectual disability.”

The new edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) by the American Psychiatric Association,

scheduled to take effect in May 2013, will change the term “mental retardation” to intellectual disability” and the term “autistic disorder” to “autism spectrum disorder.”

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 26 Nay 0 (03/07/2011)